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Attorneys for Defendant Silver Strand Plaza, LLC

**UNITED STATES DISTRICT COURT**  
**SOUTHERN DISTRICT OF CALIFORNIA**

A.J. OLIVER,

Plaintiff,

v.

SILVER STRAND PLAZA, LLC.; REMARK  
CORPORATION,

Defendants.

CASE NO.: 07 CV2141 H NLS

DECLARATION FOR EX PARTE  
APPLICATION TO CONTINUE ENE

Defendant Silver Strand respectfully submits this declaration and ex parte request to  
continue the Early Neutral Evaluation Conference currently set for June 3, 2008.

I.

**APPLICATION**

Defendant's counsel, Jean M. Heinz, is scheduled to be in Maui, Hawaii from May 30, 2008  
through June 4, 2008. This is a long scheduled vacation to celebrate her 36<sup>th</sup> wedding anniversary.  
Therefore, counsel would request that the Early Neutral Evaluation Conference be continued until  
the week of June 9, 2008, or thereafter at the Court's convenience. Ms. Heinz conferred with  
Plaintiff's counsel regarding the continuance, and Plaintiff's counsel did not object to any  
continuance.

II.

DECLARATION

I, Jean M. Heinz, declare as follows:

1. I am an attorney duly admitted to practice in all of the Courts in the State of California and am a partner at the law firm of Heinz & Feinberg located at 707 Broadway, Ste. 1800, San Diego, California, attorneys for Cross-complainants in the above-entitled action. I make this declaration from my own personal knowledge and if called upon as a witness, I would competently swear to the facts testified to herein.

2. I am scheduled to be in Maui Hawaii from May 30, 2008 through June 4, 2008. My husband and I scheduled this vacation months ago to celebrate our 36<sup>th</sup> wedding anniversary.

3. Therefore, I would request that the ENE be continued until June 9, 2008 or any date thereafter at the Court's convenience.

4. I telephoned my opposing counsel and spoke with Mr. Hubbard. He had no objection to the continuance.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed this 8th day of May, 2008 in San Diego, California.

Dated: March 10, 2008

*/s/Jean M. Heinz*

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Jean M. Heinz, Attorneys for Defendant Silver Strand Plaza, LLC.

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